

AMENDED IN ASSEMBLY MAY 20, 2004

AMENDED IN ASSEMBLY APRIL 28, 2004

AMENDED IN ASSEMBLY APRIL 19, 2004

AMENDED IN ASSEMBLY APRIL 12, 2004

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 2351

Introduced by Assembly Member Corbett

February 19, 2004

An act to amend Sections 798.16, 798.26, 798.285, 798.37, and 799.1.5 of, and to add Section 799.2.5 to, the Civil Code, relating to mobilehome parks.

LEGISLATIVE COUNSEL'S DIGEST

AB 2351, as amended, Corbett. Mobilehome parks: rights of mobilehome owners and residents.

(1) Existing law, the Mobilehome Residency Law, requires the rental agreement between the management of a mobilehome park and the homeowner to be in writing and to contain specified terms and provisions.

This bill would require the management of a mobilehome park to return an executed copy of the rental agreement to the homeowner within 15 business days after the management has received the rental agreement signed by the ~~owner~~ *homeowner*.

(2) Existing law prohibits the ownership or management of a mobilehome park, subdivision, cooperative, or condominium for

mobilehomes from entering a mobilehome without the prior written consent of the resident, except in specified circumstances.

This bill would make that prohibition applicable to the ownership or management of a resident-owned mobilehome park. The bill would also make technical changes.

(3) Existing law authorizes the management of a mobilehome park to cause the removal of a vehicle parked in the park when certain conditions are satisfied.

This bill would prohibit management from removing a vehicle from the homeowner's or resident's driveway or designated parking space unless a specified notice *regarding violations of park rules* is posted on the windshield of the vehicle. *The bill would permit management, upon the expiration of 7 days, to remove a vehicle from a driveway or designated parking space, when the vehicle remains in violation of a park rule, as specified.*

(4) Existing law prohibits management of a mobilehome park from requiring a homeowner to purchase goods or services from any third party for landscaping.

This bill would additionally prohibit management from requiring a homeowner to purchase goods or services from any third party for remodeling or maintenance.

(5) Existing law imposes limits on a resident of a subdivision, cooperative, or condominium for mobilehomes, or resident-owned mobilehome park with respect to the display of a sign advertising the sale or rental of his or her mobilehome.

This bill would modify and extend those limits by, among other things, making them applicable to any person who gains ownership of the mobilehome upon the resident's death, or any agent of the resident or owner, and by prescribing the maximum size, configuration, and location of the sign.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 798.16 of the Civil Code is amended to
2 read:

3 798.16. (a) The rental agreement may include other
4 provisions permitted by law, but need not include specific
5 language contained in state or local laws not a part of this chapter.



(b) Management shall return an executed copy of the rental agreement to the homeowner within 15 business days after management has received the rental agreement signed by the ~~owner~~ homeowner.

SEC. 2. Section 798.26 of the Civil Code is amended to read:

798.26. (a) Except as provided in subdivision (b), the ownership or management of a park shall have no right of entry to a mobilehome without the prior written consent of the resident. The consent may be revoked in writing by the resident at any time. The ownership or management shall have a right of entry upon the land upon which a mobilehome is situated for maintenance of utilities, trees, and driveways, for maintenance of the premises in accordance with the rules and regulations of the park when the homeowner or resident fails to so maintain the premises, and protection of the mobilehome park at any reasonable time, but not in a manner or at a time that would interfere with the resident's quiet enjoyment.

(b) The ownership or management of a park may enter a mobilehome without the prior written consent of the resident in case of an emergency or when the resident has abandoned the mobilehome.

SEC. 3. Section 798.285 of the Civil Code is amended to read:

798.285. (a) Except as otherwise provided in this section, the management may cause the removal, pursuant to Section 22658 of the Vehicle Code, of a vehicle other than a mobilehome that is parked in the park when there is displayed a sign at each entrance to the park as provided in paragraph (1) of subdivision (a) of Section 22658 of the Vehicle Code.

(b) (1) Management may not cause the removal of a vehicle from a homeowner's or a resident's driveway or a homeowner's or a resident's designated parking space except if management has first posted on the windshield of the vehicle a notice stating management's intent to remove the vehicle in seven days and stating the specific park rule that the vehicle has violated ~~which~~ that justifies its removal. *After the expiration of seven days following the posting of the notice, management may remove a vehicle that remains in violation of a rule for which notice has been posted upon the vehicle. If a vehicle rule violation is corrected within seven days after the rule violation notice is posted on the vehicle, the vehicle may not be removed. If a vehicle upon which*

1 *a rule violation notice has been posted is removed from the park*
2 *by a homeowner or resident and subsequently is returned to the*
3 *park still in violation of the rule stated in the notice, management*
4 *is not required to post any additional notice on the vehicle, and the*
5 *vehicle may be removed after the expiration of the seven day period*
6 *following the original notice posting.*

7 *(2) If a homeowner or resident requests to have a vehicle*
8 *removed from his or her driveway or designated parking space, the*
9 *requirements of paragraph (1) do not apply, and management may*
10 *remove the vehicle pursuant to Section 22658 of the Vehicle Code.*

11 SEC. 4. Section 798.37 of the Civil Code is amended to read:
12 798.37. A homeowner may not be charged a fee for the entry,
13 installation, hookup, or landscaping as a condition of tenancy
14 except for an actual fee or cost imposed by a local governmental
15 ordinance or requirement directly related to the occupancy of the
16 specific site upon which the mobilehome is located and not
17 incurred as a portion of the development of the mobilehome park
18 as a whole. However, reasonable landscaping and maintenance
19 requirements may be included in the park rules and regulations.
20 The management may not require a homeowner or prospective
21 homeowner to purchase, rent, or lease goods or services for
22 landscaping, remodeling, or maintenance from any person,
23 company, or corporation.

24 SEC. 5. Section 799.1.5 of the Civil Code is amended to read:
25 799.1.5. A homeowner or resident, or an heir, joint tenant, or
26 personal representative of the estate who gains ownership of a
27 mobilehome through the death of the resident of the mobilehome
28 who was a resident at the time of his or her death, or the agent of
29 any of those persons, may advertise the sale or exchange of his or
30 her mobilehome or, if not prohibited by the terms of an agreement
31 with the management or ownership, may advertise the rental of his
32 or her mobilehome by displaying a sign in the window of the
33 mobilehome, or by a sign posted on the side of the mobilehome
34 facing the street, or by a sign in front of the mobilehome facing the
35 street, stating that the mobilehome is for sale or exchange or, if not
36 prohibited, for rent by the owner of the mobilehome or his or her
37 agent. Any such person also may display a sign conforming to
38 these requirements indicating that the mobilehome is on display
39 for an “open house,” unless the park rules prohibit the display of
40 an open house sign. The sign shall state the name, address, and



1 telephone number of the owner of the mobilehome or his or her
2 agent. The sign face may not exceed 24 inches from in width and
3 36 inches in height. Signs posted in from of a mobilehome
4 pursuant to this section may be of an H-frame or A-frame design
5 with the sign face perpendicular to, but not extending into, the
6 street. A homeowner or resident, or an heir, joint tenant, or
7 personal representative of the estate who gains ownership of a
8 mobilehome through the death of the resident of the mobilehome
9 who was a resident at the time of his or her death, or the agent of
10 any of those persons, may attach to the sign or their mobilehome
11 tubes or holders for leaflets that provide information on the
12 mobilehome for sale, exchange, or rent.

13 SEC. 6. Section 799.2.5 is added to the Civil Code, to read:
14 799.2.5. Except as provided in subdivision (b), the ownership
15 or management shall have no right of entry to a mobilehome
16 without the prior written consent of the resident. The consent may
17 be revoked in writing by the resident at any time. The ownership
18 or management shall have a right of entry upon the land upon
19 which a mobilehome is situated for maintenance of utilities, trees,
20 and driveways, for maintenance of the premises in accordance
21 with the rules and regulations of the subdivision, cooperative, or
22 condominium for mobilehomes, or resident-owned mobilehome
23 park when the homeowner or resident fails to so maintain the
24 premises, and protection of the subdivision, cooperative, or
25 condominium for mobilehomes, or resident-owned mobilehome
26 park at any reasonable time, but not in a manner or at a time that
27 would interfere with the resident's quiet enjoyment.

28 (b) The ownership or management may enter a mobilehome
29 without the prior written consent of the resident in case of an
30 emergency or when the resident has abandoned the mobilehome.

